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UNCLAS ANKARA 002506

SIPDIS

DEPT FOR EB/TPP/MTA/IPC - SWILSON/JURBAN AND EUR/SE
DEPT PASS USTR FOR LERRION/BPECK
DEPT PASS LIBRARY OF CONGRESS
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SENSITIVE

E.O. 12958: N/A
TAGS: [ETRD](#) [KIPR](#) [TU](#)
SUBJECT: Special 301 Demarche Delivered; New Legislation
Could Weaken Patent Protection

Ref: State 97380

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1. (SBU) Embassy informed MFA and Foreign Trade officials of reftel decision to elevate Turkey to the Special 301 Priority Watch List on May 3. DCM made reftel points on the decision in a conversation with MFA Deputy Undersecretary for Economic Affairs Kilic, but Kilic had no immediate response other than to ask for the Special 301 status of the European Union. Econ Counselor told Foreign Trade U/S Kayalar that pharmaceuticals issues, particularly lack of data exclusivity protection, weighed heavily in the U.S. decision. Kayalar agreed that this is an important issue, and said that the GOT is still considering this policy. He noted that data exclusivity is on the agenda of the EU Customs Union Joint Commission meeting scheduled for later in the week. The Health Ministry also intended to call a meeting of research-based and generic companies to try to find common ground on this issue. Kayalar said he would work to reduce the length of the transition period for implementation of data exclusivity (originally proposed for end-2007). With respect to copyright and trademark enforcement, Kayalar noted that strengthening judicial capacity was an important element of upholding intellectual property rights, but that this would have to be a long-term effort.

2. (U) On May 4, Fahreddin Tatar, of Pfizer's Ankara office, contacted Econoff to raise research-based industry's concerns with draft legislation which could seriously weaken patent protection. The bill, which has been approved by Parliamentary committees and could go to a vote this week, would hinder Turkish courts from taking decisions on patent violations until after actual patent issuance. Given the fact that the patent application process takes several years in Turkey, rightholders could face a long period of legal vulnerability to infringement. Industry also claims the legislation would also define registration of generic drugs as not being in violation of patent rights. Embassy faxed a copy of the draft legislation to EB/TPP/MTA/IPC.
Edelman